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VIA ECF

Honorable Valerie E. Caproni
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: Yale Asbell and Audrey Asbell v. Michael Del Piero Good Design, LLC
and Michael Del Piero
Docket No.: 1:23-cv-09367

Dear Hon. Judge Caproni:

We represent the plaintiffs, Yale and Audrey Asbell in the above referenced action. The purpose of this correspondence is to request a three week adjournment of the Initial Pre Trial Conference scheduled by the Court for December 22, 2023, and the parties' prior initial joint submissions presently due on December 14, 2023, to Friday January 12, 2024 and January 5, 2024, respectively. This is the first request on behalf of plaintiffs for an adjournment of the scheduled dates.

While the firm Smith Gambrel & Russell LLP had participated in settlement discussions with us on behalf of Michael Del Piero Good Design, LLC, they declined to accept service on behalf of either defendant and have not confirmed whether they will be appearing as counsel of record for the defendants in this matter. Despite the plaintiffs' diligent efforts to effectuate service on the defendants, including the retainer of an investigative service and multiple attempts by professional process servers to complete service in both New York and Chicago, we understand this was first accomplished yesterday, December 11, 2023. Affidavits of Service will be promptly e-filed as soon as we are in possession of same.

We respectfully request the three week adjournment to comply with the Court's directives, and provide sufficient time for the defendants' appearances.

We thank your Honor for your attention to this matter, and remain at the Court's disposal for any additional information or questions.

Respectfully Submitted,

June D. Reiter

JDR/ds

JUNE D. REITER

Application GRANTED. The Initial Pretrial Conference scheduled for **December 22, 2023** is adjourned to **Friday, January 12, 2024 at 10:00 A.M.** in Courtroom 443 of the Thurgood Marshall Courthouse, 40 Foley Square, New York, New York, 10007. The parties' joint letter must be filed no later than **January 4, 2024**. For the required contents of the letter, the parties are directed to Dkt. 12. Plaintiffs are directed to serve a copy of this Endorsement on Defendants and file proof of service on the docket no later than **December 15, 2023**.

SO ORDERED.



12/12/2023

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE